



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/407,293	09/29/1999	JAMES ANTHONY BALNAVES	169.1468	2576

5514 7590 12/03/2002

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

ROMERO, ALMARI DEL CARMEN

ART UNIT PAPER NUMBER

2176

DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/407,293

Applicant(s)

BALNAVES ET AL.

Examiner

Almari Romero

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Application filed on 9/29/99, Priority papers filed on 11/04/99, and the IDSs filed on 3/14/00 and 5/24/00.

2. Claims 1-16 are pending in the case. Claims 1, 6, 9, 10, 11, 12, 15, and 16 are independent claims.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

4. The information disclosure statement filed 3/14/00 fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office. It has been placed in the application file, but the information referred to therein has not been considered.

5. The information disclosure statement (IDS) submitted on 5/24/00 has been considered by the examiner.

Drawings

6. The formal drawings filed on 9/29/99 are objected to as indicated in the attached PTO-948 form. Formal corrected drawings can be filed at allowance.

Art Unit: 2176

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 13-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 13-14 are very vague and indefinite as to what the apparatus for processing of the method would encompass. These are improper claims, as each claim must distinctly set forth the metes and bounds of the invention. Appropriate correction is required.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 1, 3-4, 6, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taguchi (USPN 5,608,859 - issued on 3/1997) in view of Microsoft Press, "Computer Dictionary", 1997, 3rd Edition, page 305.**

Regarding independent claims 1 and 15, Taguchi discloses:

A method of processing at least one data set of multi-media input information, said data set comprising at least one of video data, still-image data, and audio data (Taguchi on col. 1, lines 10-15: teaches multimedia), the method comprising the steps of

Art Unit: 2176

determining first data from at least one of said data set, and second data associated with said at least one data set (col. 4, lines 9-14 and col. 15, lines 38-43: teaches 2 sets of media presentation information including multimedia data and information);

determining, depending upon the first data, a set of instructions from a template (Taguchi on col. 1, lines 24-25 and col. 4, lines 46-55: teaches template) and

applying the instructions to the input data set to produce processed output data (Taguchi on col. 5, lines 9-16: teaches outputting device to display data).

However, Taguchi does not explicitly disclose “meta-data”.

Microsoft Press on page 305: teaches the definition of metadata as data about data.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Microsoft Press into Taguchi to provide a metadata substituted as media presentation information of multimedia type which will enhance the template of presentation information to edit.

Regarding dependent claim 3, Taguchi discloses:

applying the temporal mapping- process to the input data set to produce modified temporally structured processed output data (Taguchi on col. 4, lines 46-55: teaches adding media or object with presentation position information onto the template).

Regarding dependent claim 4, Taguchi discloses:

applying the temporal mapping process to the input data set to produce modified temporally structured data; and applying the effects mapping process to the modified temporally structured data to produce the processed output data (Taguchi on col. 4, lines 46-55: teaches presentation effect information of the data can also be added onto template).

Art Unit: 2176

Regarding independent claims 6 and 16, Taguchi discloses:

A method of processing at least one data set of multi-media information, said data set comprising at least one of video data, still-image data, and , audio data (Taguchi on col. 1, lines 10-15: teaches multimedia), the method comprising the steps of:

determining first data from at least one of said data set, and second data associated with said at least one data set (col. 4, lines 9-14 and col. 15, lines 38-43: teaches 2 sets of media presentation information including multimedia data and information);

and determining, depending upon the first data, a set of instructions from a template (Taguchi on col. 1, lines 24-25 and col. 4, lines 46-55: teaches template).

However, Taguchi does not explicitly disclose “meta-data”.

Microsoft Press on page 305: teaches the definition of metadata as data about data.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Microsoft Press into Taguchi to provide a metadata substituted as media presentation information of multimedia type which will enhance the template of presentation information to edit.

11. Claims 2, 7-8, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taguchi-Microsoft Press as applied to claim1, 3-4, 6, and 15-16 above, and further in view of Gill et al. (USPN 6,005,560 - filed on 7/1997).

Regarding dependent claim 2, Taguchi-Microsoft Press discloses the invention substantially as claimed as described *supra*. However, Taguchi-Microsoft Press do not explicitly disclose “receiving information from a user dependent upon a user perception of at least one of the input

Art Unit: 2176

data set, and the processed output data; and incorporating the user information into the first meta-data”.

Gill et al. (Gill) on col. 8, lines 6-44 and col. 13, lines 15-22: teaches inputting of data which can be publisher information into plurality of objects integrated into page layout.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Gill into Taguchi-Microsoft Press to provide to input data such as publisher information into the metadata of the multimedia data in order to ensure the accuracy of information relating to the multimedia object.

Regarding dependent claims 7 and 8, Gill discloses:

whereby the template is constructed using heuristic incorporation of experiential information of an expert (Gill on col. 8, lines 6-44 and col. 13, lines 15-22: teaches inputting of data which can be publisher information into plurality of objects integrated into page layout).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Gill into Taguchi-Microsoft Press to provide to input data such as publisher information into the metadata of the multimedia data in order to ensure the accuracy of information relating to the multimedia object.

Regarding dependent claim 13, Taguchi discloses:

wherein the template includes one or to more of rules and references heuristically based upon experience of an expert (Taguchi on col. 5, lines 9-16: teaches based on user selection displays of presentation positions, presentation timings, presentation effects, and media data).

Art Unit: 2176

12. **Claims 9-10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taguchi (USPN 5,608,859 - issued on 3/1997) in view of Gill et al. (USPN 6,005,560 - filed on 7/1997).**

Regarding independent claim 9, Taguchi discloses:

A method of processing at least one data set of multi-media input information, said data set comprising at least one of video ,data, still-image data, and audio data (Taguchi on col. 1, lines 10-15: teaches multimedia), the method comprising the steps of:

applying a template to the input data set, whereby the template comprises a temporal mapping process (Taguchi on col. 4, lines 46-55: teaches adding media or object with presentation position information onto the template), and whereby the applying step comprises the sub-step of;

applying the temporal mapping process to the input data set to produce modified temporally structured processed output data (Taguchi on col. 4, lines 46-55: teaches adding media or object with presentation position information onto the template).

However, Taguchi does not explicitly disclose “whereby the template is constructed using heuristic incorporation of experiential information of an expert”.

Gill on col. 8, lines 6-44 and col. 13, lines 15-22: teaches inputting of data which can be publisher information (experiential information) into plurality of objects integrated into page layout.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Gill into Taguchi to provide to input data such as publisher

Art Unit: 2176

information into the information of the multimedia data in order to ensure the accuracy of information relating to the multimedia object.

Regarding independent claim 10, Taguchi discloses:

A method of processing at least one data set of multi-media input information, said data set comprising at least one of video data, still-image data, and audio data (Taguchi on col. 1, lines 10-15: teaches multimedia), the method comprising the steps of

applying a template to the input data set, whereby the template comprises at least each of a temporal mapping process and an effects mapping process process (Taguchi on col. 4, lines 46-55: teaches adding media or object with presentation position information onto the template), and whereby-the applying step comprises the sub-steps of;

applying the temporal mapping process to the input data set to produce modified temporally structured data (Taguchi on col. 4, lines 46-55: teaches adding media or object with presentation position information onto the template); and

applying the effects mapping process to the modified temporally structured data to produce the processed output data (Taguchi on col. 4, lines 46-55: teaches presentation effect information of the data can also be added onto template).

However, Taguchi does not explicitly disclose “whereby the template is constructed using heuristic incorporation of experiential information of an expert”.

Gill on col. 8, lines 6-44 and col. 13, lines 15-22: teaches inputting of data which can be publisher information (experiential information) into plurality of objects integrated into page layout.

Art Unit: 2176

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Gill into Taguchi to provide to input data such as publisher information into the information of the multimedia data in order to ensure the accuracy of information relating to the multimedia object.

Regarding dependent claim 14, Taguchi discloses:

wherein the template includes one or to more of rules and references heuristically based upon experience of an expert (Taguchi on col. 5, lines 9-16: teaches based on user selection displays of presentation positions, presentation timings, presentation effects, and media data).

13. Claims 5 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taguchi-Microsoft Press-Gill as applied to claim 1-4, 6-10, and 13-16 above, and further in view of Jain et al. (USPN 6,144,375 - filed on 8/1998).

Regarding dependent claim 5, Taguchi-Microsoft Press-Gill discloses the invention substantially as claimed as described *supra*. However, Taguchi-Microsoft Press-Gill does not explicitly disclose “live capture data set segment”.

Jain et al. (Jain) on col. 6, lines 9-13 and col. 16, lines 35-40: teaches live capture of video/audio.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Jain into Taguchi-Microsoft Press-Gill to provide a way to capture live video and audio data as multimedia type data to be displayed in order to provide a highly flexible multimedia system.

Art Unit: 2176

Regarding independent claims 11 and 12, Taguchi-Microsoft Press-Gill discloses the invention substantially as claimed as described *supra*. However, Taguchi-Microsoft Press-Gill does not explicitly disclose “capture input data set”.

Jain et al. (Jain) on col. 6, lines 9-13 and col. 16, lines 35-40: teaches live capture of video/audio.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Jain into Taguchi-Microsoft Press-Gill to provide a way to capture live video and audio data as multimedia type data to be displayed in order to provide a highly flexible multimedia system.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN 6,038,573 – Parks - filed on 4/1997

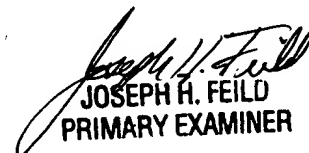
Art Unit: 2176

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Almari Romero whose telephone number is (703) 305-5945. The examiner can normally be reached on Mondays - Fridays (7:30am - 4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (703) 308-5186. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

AR
November 27, 2002


JOSEPH H. FEILD
PRIMARY EXAMINER

Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes **incorporated** therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.